

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

INSTITUTE OF MARINE MAMMAL STUDIES

PLAINTIFF

VS.

CIVIL ACTION NO.: 1:10CV203LG-RHW

**NATIONAL MARINE FISHERIES SERVICE;
NATIONAL OCEANOGRAPHIC and ATMOSPHERIC
ADMINISTRATION; and GARY LOCKE, SECRETARY
OF THE UNITED STATES DEPARTMENT OF
COMMERCE**

DEFENDANTS

ORDER OF DISMISSAL

THIS CAUSE, having come before the Court on the Motion of the Plaintiff, Institute of Marine Mammal Studies, through its attorneys, for dismissal pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure and the Court being advised that the parties have agreed to the dismissal, subject to those conditions set forth herein, finds that the Motion is well taken.

IT IS, THEREFORE, ORDERED AND ADJUDGED, that this action is hereby dismissed with prejudice;

IT IS FURTHER, ORDERED AND ADJUDGED, this Order of Dismissal shall neither preclude or be precedent as to any claims, defenses, or similar issues of fact or law, which may be raised in any future litigation by Plaintiff against Defendants regarding animals other than Atlantic bottle-nose dolphin ID: 33IMMS111009; and

IT IS FURTHER, ORDERED AND ADJUDGED, that the Plaintiff, Institute of Marine Mammal Studies may in future litigation assert the same legal issues and

claims raised in this civil action, as to all animals other than Atlantic bottle-nose dolphin ID: 33IMMS111009, the subject of this lawsuit;

IT IS FURTHER, ORDERED AND ADJUDGED that each party shall bear its attorneys' fees and costs.

SO ORDERED AND ADJUDGED, this the 23rd day of February, 2011.

s/ *Louis Guirola, Jr.*

Louis Guirola, Jr.

United States District Judge